GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Revenue Department - Sri E.Murali, former Tahsildar, Ongole and presently Deputy Collector working as Executive Director, SC-Corporation, Krishna District- Allegations in issuance of PPB and TDs to stream poramboke situated in Sy.No.1&2 Cheruvukommupalem Village of Ongole Mandal. - Disciplinary proceedings under rule - 24 r/w rule - 20 of Andhra Pradesh Civil Services (Classification Control & Appeal) Rules, 1991 - Articles of charge - Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No.52

Dated: 17.01.2024
Read:

G.O.Ms.NO.11, Revenue (Vig.I) Department, Dt: 17.01.2024

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ORDER:

In pursuance to the G.O read above, it is proposed to hold an enquiry against Sri E.Murali, former Tahsildar, Ongole and presently Deputy Collector working as Executive Director, SC-Corporation, Krishna District with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (Classification Control & Appeal) Rules,1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry are proposed to be held is set out in the enclosed statement of Articles of Charges (Annexure - I). A list of documents by which, and a list of witnesses by whom the articles of charges are proposed to be sustained are also enclosed (Annexure-II & III).

3. Sri E.Murali, former Tahsildar, Ongole and presently Deputy Collector working as Executive Director, SC-Corporation, Krishna District is directed to submit a written statement of his defense within 10 days of receipt of this order.

4. Sri E.Murali, former Tahsildar, Ongole and presently Deputy Collector working as Executive Director, SC-Corporation, Krishna District is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri E.Murali, former Tahsildar, Ongole and presently Deputy Collector working as Executive Director, SC-Corporation, Krishna District is further informed that if they do not submit his written statement of defense on or before the date specified in para 3 above further action will be processed based on the material available.

6. Attention of Sri Sri E.Murali, former Tahsildar, Ongole and presently Deputy Collector working as Executive Director, SC-Corporation, Krishna District invited to Rule 24 of Andhra Pradesh Civil Services (Conduct) Rules 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri E.Murali, former Tahsildar, Ongole and presently Deputy Collector working as Executive Director, SC-Corporation, Krishna District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of Andhra Pradesh Civil Services (Conduct) Rules 1964.

7. The receipt of the Memorandum may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS &DM)(FAC)

To
Sri E.Murali, former Tahsildar, Ongole and presently Deputy Collector working as Executive Director, SC-Corporation, Krishna District (Through the Chief Commissioner of Land Administration, A.P., Mangalagiri for service and to return the served copy with dated acknowledgement immediately (By RPAD))
The Chief Commissioner of Land Administration, A.P., Mangalagiri.
Copy to:
The District Collector, Prakasam.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI E.MURALI, FORMER TAHSILDAR, ONGOLE AND PRESENT EXECUTIVE DIRECTOR, APSCSC LTD., ONGOLE.

Article of Charge - 1:

That Sri E.Murall, while working as Tahsildar, Ongole during the month of November, 2004 has issued Pattadar Pass Books for an extent of Ac.Ac.0.11 cents in S.No.1 and an extent Ac.1.14 cents in Sy.No.2 which are classified as Stream Poramboke in favour of Sri Kareti Ranga Rao in first instance which is contrary to the provisions contained in Section 12 of the A.P. Rights in Land and PPBs Act, 1971 and the rules made there under and the said act would not apply to Government lands and further when the Government is the owner of the lands in question, the mutation was done in the name of private persons and verification of title was not done.

Thus, Sri E.Murali, by his above mentioned acts has exhibited lack of devotion to duty and failed to maintain absolute integrity, impartiality and discipline and there by contravened Rule 3 (1) of A.P.C.S (Conduct) Rules 1964. Hence the charge.

Article of Charge-2:

That Sri E.Murali, while working as Tahsildar, Ongole has issued manual Pattadar Pass Books to the Govt land classified as VaguPormaboke in favour of Sri KaretiRanga Rao in first instance, without verifying the Village Records and without proper verification and he has failed to protect the Government property being as a Government Servant. That he is well aware that the Hon'ble Supreme Court have issued orders in Civil Appeal No.4787/2001, issued on 25.07.2001 that it is important to notice that the material resources of the community the forests, tanks, ponds, hillock, mountain etc., are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables peoples to enjoy a quality life, which is the essence of the guaranteed right under Article 21 of the constitution. The Government, including the Revenue Authorities having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would on one hand, have prevented ecological disaster and on the other hand provide better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seed allotment in non abadi sites. The state shall restore the ponds, develop and maintain the same as a recreational spot, which will undoubtedly be in the site interest of the villages. Further, it will also held in maintaining ecological balance and protecting the environment with regard to repeatedly expressed its concern. Such measures must begin at the gross root level if they were to become this nation's pride. The Government have issued prohibition orders in Govt. memo No.24140/Assignment 1(1)2003- 03, dated 22.08.2003 in connection with allocation of lands to RWS that: the Tanks, Kuntas, Ponds Lakes etcare the source of irrigation and these water bodies are helping inmaintenance of ecological balance including the scarce resources of ground water and area indispensable for protection and improvement of environment, The water sources includes Projects, Reservoirs, Tanks, Kuntas, Streams, Pond Lake, River, canal etc. as such the Vagu, Vanka, River Promabokes come under water bodies:"

Thus, he misused his powers with a malafide intention as a Tahsildar, Ongole and committed grave irregularities which amounts to misconduct as per the provisions contained in rule 3(1) of the A.P.C.S (Conduct) Rules, 1964. Hence the charge.

Article of Charge -3:

That Sri E.Murali while working as Tahsildar, Ongole has issued manual Pattadar Pass Book to Sri KaretiRanga Rao in a first instance to the lands in question which were classified as VaguPoramboke, illegally. Being a responsible Officer in the cadre of Tahsildar and Mandal Executive Magistrate his main responsibility is to protect the Govt. lands free from encroachment moreover this is a watercourse. Without observing the orders of higher authorities he issued passbook to the Govt. land to private person, though he was well aware that there is a prohibited orders on water bodies the Tahsildar has failed to follow the BSO orders, Hon'ble Supreme Court orders, Hon'ble High Court orders, CCLA guidelines.

Thus, Sri E.Murali acted deliberately knowing fully well all the rules which amounts to misconduct as per the provisions contained under rule 3 of APCS (conduct) Rules, 1964. Hence the charge.

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS &DM)(FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI E.MURALI, FORMER TAHSILDAR, ONGOLE AND PRESENT EXECUTIVE DIRECTOR, APSCSC LTD., ONGOLE.

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(1) An adverse news item was published in Eenadu daily newspaper on 24.09.2016 with the caption "AddangaDorikipoyaru" regarding irregularities committed by the Tahsildar, Ongole in issuance of PPB/TD to stream(Vagu) Pormaboke. On the news item, the District Collector, Prakasam has appointed the Special Deputy Collector, Vigilance Cell (CS), Ongole as enquiry officer to enquiry and submit report.

(2) On the part of enquiry, the Special Deputy Collector, Vigilance Cell (CS), Ongole and Inquiry Officer has requested the Tahsildar, Ongole to give a detailed written statement on the following points mentioned in Questionnaire.

1. Whether the classification of land in S.No. 2 and 3 of Chervukommupalem Village verified as per RSR or not?

2. If it is verified whether the classification of the land is changed from Vaguporamboke to AW land?

3. If yes, are you verified DK Register/ F.Dis files/ Assignment Committee register?

4. If not, reasons for issuing of manual Pass Book.

5. Whether the manual PPB issue system is in force or not at the time of issuing of PPB & TD by you?

6. Whether the said person filed any application in Meeseva?

7. If not, whether he filed any manual application?

8. Whether the VRO report obtained or not?

9. Whether the Revenue Inspector report obtained or not?

10. Who is the Assistant/ Deputy Tahsildar concerned, processed/ circulated the saidfile to you?

11. Whether proceedings issued under ROR Act, duly following the usual formalities?

12. If Yes, whether it is uploaded in webland software or not?

13.Whether proceedings issued under ROR Act, duly following the usual formalities?

14. Whether old kahata No. 965 is cancelled or not?

15. Is there any procedure for issue of old Khata Number to New Pattadars?

16. Are you aware of dispense of issue of Manual PPB & TD by the Govt.

17. What is the necessity of change of names photos/ Caste and other details made in the PPB of Sri KaretiRangarao S/o Lakshminarayana to the Pattadar which was signed by you?

18. Who is the custodian of IB Records?

19. Who tampered / torned the IB Record?

20. Are you verified the 22A list pertaining to Chervukommupalem Village or not?

(Contd..2)

(3) As per FLR of Chervukommupalem Village, the total extent of the land measuring an extent Ac.9.64 cents in Sy.No.1 and Ac.2.70 cents in S.No.2 are classified as "Stream Poramboke". In the year 2004, the then Tahsildar, Ongole had issued Pattadar Pass Book & Title Deed bearing No.100807 to KaretiRangarao s/o Lakshminarayana to an extent Ac.0.11 cents in Sy.No.1/6 and Ac.1.14 cents in Sy.No.2/5 vide K.No.695

(4) With regard to Tanks, Kuntas, Ponds Lakes, Forests etc., the Hon'ble Supreme Court have issued orders in C.A. No.4787/2001, issued on 25.7.2001 "that it is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc., are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment, which enables people to enjoy a quality lift, which is the essence of the guaranteed right under Article 21 of the constitution. The Government, including the Revenue authorities having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seed allotment in non abadi sites". The state including respondents 11 to 13 shall restore the pond, develop and maintain the same as a recreational spot, which will undoubtedly be in the best interest of the villagers. Further, it will also held in maintaining ecological balance and protecting the environment in regard to which this court has repeatedly expressed its concern. Such measures must begin at the gross-root level if they were to become the nation's pride.

(5) The Government have issued prohibition orders in Govt. Memo.No.24140/Assignent- 1(1)/2003-03, dated 22.08.2003 in connection with allocation of lands to RWS that the tanks, Kuntas, Ponds, Lakes etc., are the sources of irrigation and these water bodies are helping in maintenance of ecological balance including the scare resources of ground water and area indispensable for protection and improvement of environment. The Water sources includes Projects, Reservoirs, Tanks, Kuntas, Stream, Pond Lake, River, canal etc. as such, the Vagu, Vanka, River Pormabokes comes under water bodies.

(6) Further, the Hon'ble high Court, A.P., Hyderabad have passed an order in W.P.No.7981 of 2012 filed by the Secretary of Prakasam District PrajasankashemaSevaSangham,Ongole that "the District Administration and the Municipal Corporation are directed to ensure that not only the water spread areas of the tank in question but also that of any other tank in the administration is not put to any other use. Any official, who is found other tank in the administration is not put to any other use. Any official, who is found responsible for allotment of tank beds in whatever capacity, shall be held liable to be prosecuted in future"

The Chief Commissioner of Land Administration, A.P., Hyderabad while issued certain guidelines to all the District Collectors in the state in CCLA &Spl.CSRef.No.B21543, dated 18.03.2013 had reiterated the Hon'ble Supreme court orders noted above.

(7) Detailed report was been submitted to the Government through the CCLA, AP, Vijayawada for initiation of disciplinary action against the officers responsible. The CCLA, AP, Vijayawada in his Lr.CCLA'sRef.No.VSII(2)/365/2017, dated.08.06.2017 has requested to furnish the reasons for not recommending action against the then Tahsidlars, Ongole who worked in 2004 who originally issued PPB/TC irregularly and also the Tahsildar who digitally signed them in the year 2012

(8) Further, the Revenue Divisional Officer, Ongole was been in Rc.A1/10727/2017, dated. -10-2017 requested to enquire into the matter with reference to record and submit detailed report who involved issuing PPB/TD irregularly in S.No.182 of Chervukommupalem of Ongole Mandal in the year 2004 and who digitally signed them in the year 2012.

(9) The Revenue Divisional Officer, Ongole in his Rc.A/1960/2018, dated.28.06.2018 has reported that as per report of Tahsildar, Ongole together with the connected documents enclosed thereto, it is submitted that as per the records available in

(Contd..3)

Tahsildar's Office, Ongole, the following Revenue Officials who worked in the month of November, 2004. Has granted PPB&TD to the subject land in favour of Sri KaretiRangarao instantly.

A) Sri E.Murali, former Tahsildar, Ongole and presently working as Executive Director, SC-Corporation, Krishna District.
B) Sri Eswara Rao, former Deputy Tahsidlar and retired from service on 31.12.2010.

C) Sri P.V.Sambasiva Rao, former Senior Assistant and retired from service in the cadre of Tahsildar on 30.04.2017.

(10) Thus, the above mentioned acts, Sri E.Murali, former Tahsildar, Ongole and present Executive Director, SC Corporation, Krishna District has committed irregularities, while discharging his legitimate duties and flouted rules and regulations and caused illegal transfer of Government land to the private persons and failed to discharge his legitimate duties and exhibited lack of devotion to his duty and failed to maintain absolute integrity, discipline, impartiality and a sense of propriety and behaved in negligent manner which comes within the ambit of misconduct, under rule 3 of the A.P.C.S., (conduct) Rules, 1964.

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS &DM)(FAC)

//FORWARDED:BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLEs OF CHARGE FRAMED AGAINST SRI E.MURALI, FORMER TAHSIDLAR, ONGOLE AND PRESENT EXECUTIVE DIRECTOR, SC CORPORATION, KRISHNA DISTRICT ARE PROPOSED TO BE SUSTAINED.

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1) Report of the Special Deputy Collector, Vigilance Cells (CS), Ongole, Rc.No/SDC/Veg/12/2016, dated 29.11.2016.

2) The Revenue Divisional Officer, Ongole in his Rc.A/1960/2018, dated. 28.06.2018.

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS &DM)(FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI E.MURALI, FORMER TAHSILDAR, ONGOLE AND PRESENT EXECUTIVE DIRECTOR, APSCSC LTD., KRISHNA DISTRICT ARE PROPOSED TO BE SUSTAINED.

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1. Special Deputy Collector, Vigilance Cells (CS), Ongole.

2. Revenue Divisional Officer, Ongole.

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS &DM)(FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER